

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

832B0709

## SENATE BILL NO. 164

Introduced by: Senators Rounds, Brosz, Brown (Arnold), and Reedy and Representatives Roe, Broderick, Chicoine, Smidt, and Solum

1 FOR AN ACT ENTITLED, An Act to allow municipalities to operate an electric utility system  
2 beyond its corporate limits under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 9-40 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If state or federal law mandates or permits open access to retail delivery of electric energy,  
7 a municipality operating an electric utility system may sell electric energy at retail beyond the  
8 corporate limits of the municipality to the extent its governing body determines that such service  
9 is reasonably necessary to enable the municipality to provide such utility services at competitive  
10 rates to its customers and to comply with the state and federal policies, laws, rules, and  
11 regulations governing the operations of such services, including policies, laws, rules, and  
12 regulations which provide for competition among electric utility providers. However, this section  
13 does not limit the authority of the Public Utilities Commission to assign service areas pursuant  
14 to § 49-34A-44.